

REMARKS

Claims 1-6, 9, 11-13, 15-20, 22-27, and 29-31 are pending in the present application.

Applicants wish to thank Examiner Cain for the indication that Claims 9, 11, 12, 14, 19, 21, 26, and 28 are allowable (see paper number 12, page 3, numbered paragraph 5).

The rejection of Claims 1, 18, and 25 under 35 U.S.C. §112, first paragraph, is obviated by appropriate amendment.

Applicants have removed the objected to phrase from the claims. However, Applicants wish to note that they need not have explicit recitation of a negative limitation so long as the "boundaries of the patent protection sought are set forth definitely" (see MPEP §2173.05(i)). Moreover, the Examiner's attention is brought to *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993), which states that the lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support.

In the present case, it is clear from the specification, in particular page 4, lines 8-15, page 9, lines 2-16, and page 11, line 5-page 14, line 16, that the polyisocyanate is not a cross-linking agent. Moreover, the disclosure of the present invention clearly establishes that the polyisocyanate compound is a curing agent that is added following mixing of components (A) – (E). Specifically, Applicants point to page 11, lines 9-17, which states:

The polyisocyanate compound reacts with water according to, for instance, the following reaction scheme, thereby curing the emulsion composition:



wherein R represents an organic group. Water contained in the emulsion composition is thus consumed as the reaction proceeds, so that the emulsion composition applied to the back of a carpet is dried rapidly.

Applicants submit that the final sentence of this passage describes the main function of the polyisocyanate in the present invention. From this passage, it is clear that the polyisocyanate is not serving as a cross-linking agent in the present invention. Therefore, the Examiner's rejection on the basis of a lack of "explicit" recitation of the negative limitation is without merit. However, in the present case, this issue is now moot, as Applicants have amended the dependent claims to define the cross-linking agents as comprising sulfur or zinc oxide or both.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 6-8, 10, 13, 15-18, 20, 22-25, 27, and 29-31 under 35 U.S.C. §103 over Rau et al or Suzuki et al or Mayer et al is obviated by amendment.

Applicants note that independent Claims 1, 18, and 25 have been amended to define the cross-linking agents as comprising sulfur oxide or zinc oxide or both. This limitation corresponds to previously pending Claims 14, 21, and 28, which the Examiner has indicated are allowable. Accordingly, Applicants note that by virtue of the present amendment Claims 1, 6-8, 10, 13, 15-18, 20, 22-25, 27, and 29-31 are now free of the art and should be allowed.

Applicants request withdrawal of these grounds of rejection.

Applicants remind the Examiner that MPEP §821.04 states:

"...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

Accordingly, upon a finding of allowability of the elected product claims, withdrawn process Claims 2-3 must be rejoined and subsequently allowed. Moreover, Applicants note that Claims 4-5 depend directly from Claims 2-3, respectively, and indirectly from Claim 1.

Therefore, upon compulsory rejoinder of Claims 2-3, Applicants submit that these claims link the elected invention to Claims 4-5 and, as such, should also be rejoined and allowed.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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